



General Assembly

February Session, 2012

Substitute Bill No. 256

* ____SB00256GAE__032212__ *

AN ACT CONCERNING THE TIMING OF FACULTY CONSULTING AGREEMENT AUDITS UNDER THE CODE OF ETHICS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (r) of section 1-84 of the 2012 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2012*):

4 (r) (1) Notwithstanding the provisions of subsections (b) and (c) of
5 this section, a member of the faculty or a member of a faculty
6 bargaining unit of a constituent unit of the state system of higher
7 education may enter into a consulting agreement or engage in a
8 research project with a public or private entity, provided such
9 agreement or project does not conflict with the member's employment
10 with the constituent unit, as determined by policies established by the
11 board of trustees for such constituent unit.

12 (2) The board of trustees for each constituent unit of the state system
13 of higher education shall establish policies to ensure that any such
14 member who enters such a consulting agreement or engages in such a
15 research project (A) is not inappropriately using university proprietary
16 information in connection with such agreement or project, (B) does not
17 have an interest in such agreement or project that interferes with the
18 proper discharge of his or her employment with the constituent unit,
19 and (C) is not inappropriately using such member's association with
20 the constituent unit in connection with such agreement or project. Such

21 policies shall (i) establish procedures for the disclosure, review and
22 management of conflicts of interest relating to any such agreement or
23 project, (ii) require the approval by the chief academic officer of the
24 constituent unit, or his or her designee, prior to any such member
25 entering into any such agreement or engaging in any such project, and
26 (iii) include procedures that impose sanctions and penalties on any
27 member for failing to comply with the provisions of the policies.
28 [Semiannually] Annually, the internal audit office of each constituent
29 unit shall audit the constituent unit's compliance with such policies
30 and report its findings to the committee of the constituent unit
31 established pursuant to subdivision (3) of this subsection. [For
32 purposes of this subsection, "consulting" means the provision of
33 services for compensation to a public or private entity by a member of
34 the faculty or member of a faculty bargaining unit of a constituent unit
35 of the state system of higher education: (I) When the request to provide
36 such services is based on such member's expertise in a field or
37 prominence in such field, and (II) while such member is not acting in
38 the capacity of a state employee, and "research" means a systematic
39 investigation, including, but not limited to, research development,
40 testing and evaluation, designed to develop or contribute to general
41 knowledge in the applicable field of study.]

42 (3) There is established a committee for each constituent unit of the
43 state system of higher education to monitor the constituent unit's
44 compliance with the policies and procedures described in subdivision
45 (2) of this subsection governing consulting agreements and research
46 projects with public or private entities by a member of the faculty or a
47 member of a faculty bargaining unit of such constituent unit. Each
48 committee shall consist of nine members as follows: (A) Three
49 members, appointed jointly by the Governor, the speaker of the House
50 of Representatives, the president pro tempore of the Senate, the
51 majority leader of the House of Representatives, the majority leader of
52 the Senate, the minority leader of the House of Representatives and the
53 minority leader of the Senate, who shall serve as members for each
54 such committee; (B) one member appointed by the chairperson of the

55 constituent unit's board of trustees from the membership of such
56 board; (C) the chief academic officer of the constituent unit, or his or
57 her designee; (D) three members appointed by the chief executive
58 officer of the constituent unit, and (E) one member appointed by the
59 chairperson of the Citizen's Ethics Advisory Board from the
60 membership of such board. Members shall serve for a term of two
61 years. Any vacancies shall be filled by the appointing authority. Each
62 committee shall (i) review the [semiannual] annual reports submitted
63 by the internal audit office for the constituent unit, pursuant to
64 subdivision (2) of this subsection, (ii) make recommendations,
65 annually, to the board of trustees of the constituent unit concerning the
66 policies and procedures of the constituent unit established pursuant to
67 subdivision (2) of this subsection, including any changes to such
68 policies and procedures, and (iii) send a copy of such
69 recommendations, in accordance with section 11-4a, to the joint
70 standing committees of the General Assembly having cognizance of
71 matters relating to higher education and government administration.

72 (4) The provisions of subsections (b) and (c) of this section shall
73 apply to any member of the faculty or member of a faculty bargaining
74 unit of a constituent unit of the state system of higher education who
75 enters such a consulting agreement or engages in such a research
76 project without prior approval, as described in subdivision (2) of this
77 subsection.

78 (5) For purposes of this subsection, "consulting" means the provision
79 of services for compensation to a public or private entity by a member
80 of the faculty or member of a faculty bargaining unit of a constituent
81 unit of the state system of higher education: (A) When the request to
82 provide such services is based on such member's expertise in a field or
83 prominence in such field, and (B) while such member is not acting in
84 the capacity of a state employee, and "research" means a systematic
85 investigation, including, but not limited to, research development,
86 testing and evaluation, designed to develop or contribute to general
87 knowledge in the applicable field of study.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	<i>October 1, 2012</i>	1-84(r)
-----------	------------------------	---------

Statement of Legislative Commissioners:

In section 1(r)(3), "semiannual" was changed to "annual" for consistency with the change being made in section 1(r)(2).

GAE *Joint Favorable Subst.-LCO*